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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,923	09/24/2003	Jonathan O. Ward	BS99156 CON (KS99156 CON)	4633
38515	7590	09/16/2005	EXAMINER	
BAMBI FAIVRE WALTERS PO BOX 5743 WILLIAMSBURG, VA 23188			TIEU, BINH KIEN	
			ART UNIT	PAPER NUMBER
			2643	
DATE MAILED: 09/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/669,923

Applicant(s)

WARD, JONATHAN O.

Examiner

BINH K. TIEU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 10-13 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleischer, III et al. (U.S. Pat. #: 5,974,133) in view of Smith et al. (U.S. Pat. #: 6,404,876).

Regarding claims 1, 11 and 16, Fleischer et al. ("Fleischer") teaches a method and apparatus for billing a subscriber for a local toll-free communication comprising:

receiving information related to an originating number (i.e., location code, etc., col.23, line 40 – col.24, line 54);

transmitting the originating number information to a network element (i.e., SCP 101 as shown in figure 3, col.25, lines 37);

receiving information related to a terminating number (i.e., terminating NPA-NXX, etc.);

comparing the geographical location of the originating number information to geographical location of the terminating number information;

if the comparison is within the same LATA (i.e., matched LATA), routing the originating number to at least one participating local switch (i.e., SSP) serving the terminating number (col.31, line 45 – col.32, line 5; col.32, line 66 – col.33, line 30 and col.35, lines 26-46);

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completing the local toll-free communication to the termination number; and  
transmitting a call record to a billing database.

It should be noticed that Fleischer fails to clearly teach the feature of billing the local toll-free communication. However, Smith et al. ("Smith") teaches such feature in col.10, lines 30-59 and col.15, lines 14-37 for a purpose of compensating to local service providers for their routing services.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of the feature of billing the local toll-free communication, as taught by Smith, in view of Fleischer in order to compensate to specific local service providers for their local routing services.

Regarding claims 2-3, Fleischer further teaches limitations of the claim in col.12, lines 27-49.

Regarding claims 10 and 15, Fleischer further teaches limitations of the claim in col.29, lines 27-57.

Regarding claim 12, Fleischer further teaches limitations of the claim in col.41, lines 16-39.

Regarding claim 13, Fleischer further teaches limitations of the claim in col.35, lines 40-46.

3. Regarding Claims 4-9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleischer, III et al. (U.S. Pat. #: 5,974,133) in view of Riskin (U.S. Pat. #: 4,757,267):

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Regarding claims 4-8, Fleischer teaches all subject matters as claimed above, except for billing record of the local toll-free calls. However, Riskin teaches such limitations of the claims in col.8, line 37 - col.9, line 7. Riskin further teaches the potential customer called for item such as goods or services (see Abstract of Riskin patent) for a purpose of billing subscriber of 1-800 toll free number for toll free calls initiated by callers.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of the local toll-free call records, as taught by Riskin, into view of Fleischer in order to bill the subscriber of toll-free number for 1-800 services.

Regarding claims 9 and 14, Riskin further teaches limitations of the claims in col.18, lines 36-48.

4. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleischer, III et al. (U.S. Pat. #: 5,974,133) in view of Smith et al. (U.S. Pat. #: 6,404,876) as applied to claim 16 above, and further in view of Wulkan et al. (U.S. Pat. #: 5,862,203).

Regarding claims 17-18, Fleischer and Smith, in combination, teaches all subject matters as claimed above, except for the features of the selected rate is derived from call volume or a subscription term. However, Wulkan et al. ("Wulkan") teaches such features in col.13, lines 41-62 and col.17, lines 4-36 for a purpose of providing savings to telecommunications subscribers.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of features of the selected rate is derived from call volume or a subscription term, as taught by Wulkan, into view of Fleischer and Smith in order to provide savings to the telecommunications services subscribers.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: [BINH.TIEU@USPTO.GOV](mailto:BINH.TIEU@USPTO.GOV).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

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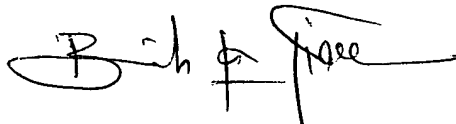
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**BINH TIEU**  
**PRIMARY EXAMINER**

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Date: September 13, 2005